



Reprinted  
January 25, 2006

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## SENATE BILL No. 117

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DIGEST OF SB 117 (Updated January 24, 2006 2:12 pm - DI 97)

**Citations Affected:** IC 22-5.

**Synopsis:** Employee tobacco use. Allows an employer to implement financial incentives related to employer provided health benefits to reduce employee tobacco use.

**Effective:** July 1, 2006.

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**Gard**

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January 9, 2006, read first time and referred to Committee on Tax and Fiscal Policy.  
January 19, 2006, amended, reported favorably — Do Pass.  
January 24, 2006, read second time, amended, ordered engrossed.

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SB 117—LS 6479/DI 97+



Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

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## SENATE BILL No. 117

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A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 22-5-4-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2006]: Sec. 1. **(a) Except as provided in**  
3 **subsection (b)**, an employer may not:  
4 (1) require, as a condition of employment, an employee or  
5 prospective employee to refrain from using; or  
6 (2) discriminate against an employee with respect to:  
7 (A) the employee's compensation and benefits; or  
8 (B) terms and conditions of employment;  
9 based on the employee's use of;  
10 tobacco products outside the course of the employee's or prospective  
11 employee's employment.  
12 **(b) An employer may implement financial incentives:**  
13 **(1) intended to reduce tobacco use; and**  
14 **(2) related to employee health benefits provided by the**  
15 **employer.**



COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 117, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 2, after "Sec." insert "1."

Page 1, line 6, delete "except as" and insert "**other than health benefits provided by the employer;**".

Page 1, delete line 7.

Page 1, line 8, delete "and Accountability Act of 1996 (P.L. 104-191);".

Page 1, run in lines 6 through 8.

and when so amended that said bill do pass.

(Reference is to SB 117 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 8, Nays 2.

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SENATE MOTION

Madam President: I move that Senate Bill 117 be amended to read as follows:

Page 1, line 2, delete "An" and insert "**(a) Except as provided in subsection (b), an**".

Page 1, line 6, delete ", other than" and insert ";".

Page 1, line 7, delete "health benefits provided by the employer;".

Page 1, after line 11, begin a new paragraph and insert:

**"(b) An employer may implement financial incentives:**

**(1) intended to reduce tobacco use; and**

**(2) related to employee health benefits provided by the employer."**

(Reference is to SB 117 as printed January 20, 2006.)

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